



CUSTOMER NO. 46900

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Attorney Docket No. Dell 2-4-1-1-5-28

Application of: Martin S. Dell, Zbigniew M. Dziong, Wei Li, Yu-Kuen Ouyang, Matthew Tota, and Yung-Terng Wang

Serial No.: 10/017,173
Filed: 12/14/01
Matter No.: 992.1010

Group Art Unit: 2616
Examiner: Melanie Jagannathan
Phone No.: 571-272-3163

For: Three-Stage Switch Fabric with Input Device Features

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Notice of Allowability mailed on 09/14/06 contains an Examiner's Statement of Reasons for Allowance.

The Statement contains language that attempts to characterize the subject matter of claim 1. The Applicant submits, however, that the language in the Statement does not accurately characterize claim 1. In particular, the Statement states:

Regarding claim 1, prior art of record does not disclose, in single or in combination, ... at least one output port programmably reconfigured such that a first programmable configuration of at least one output port to store data in a first output routing queue associated with a first input port, a second programmable configuration of at least one output port to store data in a first output routing queue associated with a second input port different from the first input port in combination with other limitations of the claim. (emphasis added)

*

*

*

*

*

Certification Under 37 CFR 1.8

Date of Deposit 11/28/06

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

GERRY MARRERO
(Name of person mailing)

Gerry Marrero
(Signature of person mailing)

The corresponding portion of claim 1 recites:

at least one output port can be programmably reconfigured to receive data from different numbers of output routing queues that are associated with a single input port, such that:

in a first programmable configuration of the at least one output port, the at least one output port is configured to receive data from a first output routing queue associated with a first input port; and

in a second programmable configuration of the at least one output port, the at least one output port is configured to receive data from the first output routing queue associated with a second input port different from the first input port. (emphasis added)


Even if the Examiner's style of summarizing claim recitations is proper (which the Applicant does not admit), the fact remains that the Examiner's summary replaces the phrase "receive data from" with the phrase "store data in" in two different passages of claim 1. To that extent, the Applicant objects to the Statement.

In general, to the extent that the Statement differs from the language of any of the independent claims, the Applicant rejects any narrowing or limitations that might possibly result from such differences.

For each of these reasons individually and for all these reasons collectively, the Applicant objects to the Statement.

Respectfully submitted,

Date: 11/28/06
Customer No. 46900
Mendelsohn & Associates, P.C.
1500 John F. Kennedy Blvd., Suite 405
Philadelphia, Pennsylvania 19102


Steve Mendelsohn
Registration No. 35,951
Attorney for Applicant
(215) 557-6657 (phone)
(215) 557-8477 (fax)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Attorney Docket No. Dell 2-4-1-1-5-28

In re application of: Martin S. Dell, Zbigniew M. Dziong, Wei Li, Yu-Kuen Ouyang, Matthew Tota, and Yung-Terng Wang

Serial No.: 10/017,173

Group Art Unit: 2616

Filed: 12/14/01

Examiner: Melanie Jagannathan

Matter No.: 992.1010

Phone No.: 571-272-3163

For: Three-Stage Switch Fabric with Input Device Features

**TRANSMITTAL OF NEW DRAWING(S) TO CORRECT
INFORMALITIES WITHIN THREE-MONTH PERIOD OF
RESPONSE SET IN NOTICE OF ALLOWABILITY (PTOL-37)**

Official Draftsman
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Allowance and Issue Fee Due mailed on 09/14/06, the applicant herewith submits 22 new sheets of drawings to correct the informalities in the drawings as noted in the Notice of Draftsman's Patent Drawing Review (PTO Form 948).

Respectfully submitted,

Date: 11/28/06

Customer No. 46900

Mendelsohn & Associates, P.C.

1500 John F. Kennedy Blvd., Suite 405

Philadelphia, Pennsylvania 19102

Steve Mendelsohn

Steve Mendelsohn

Registration No. 35,951

Attorney for Applicant

(215) 557-6657

*

*

*

*

*

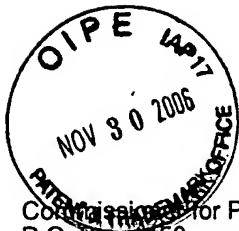
Certification Under 37 CFR 1.8

Date of Deposit 11/28/06

I hereby certify that this paper and any accompanying papers or fees are being deposited with the U.S. Postal Service with sufficient postage as first class mail under 37 CFR 1.8 on the date indicated above and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gerry Marrero
(Name of person mailing)

Gerry Marrero
(Signature of person mailing)



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Re: Attorney Docket No. Dell 2-4-1-1-5-28

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Agere Systems Inc.

Application No./Patent No.: 10/017,173 Filed/Issued Date: 12/14/01

Entitled: Three-Stage Switch Fabric with Input Device Features

Agere Systems Inc.

(Name of Assignee)

Corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

States that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest.
(The extent (by, percentage) of its ownership interest is _____ %)

In the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel ____, Frame ____, or a true copy of the original assignment is attached

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Inventor(s) To: Agere Systems Guardian Corp.
The document was recorded in the United States Patent and Trademark Office at Reel 012556, Frame 0527, or for which a copy thereof is attached.
2. From: Agere Systems Guardian Corp. To: Agere Systems Inc.
The document was recorded in the United States Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original document(s) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 11/28/06
Customer No. 46900
Mendelsohn & Associates, P.C.
1500 John F. Kennedy Blvd., Suite 405
Philadelphia, Pennsylvania 19102

Respectfully submitted,

Steve Mendelsohn
Steve Mendelsohn
Registration No. 35,951
Attorney for Assignee
(215) 557-6657

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 08/29/2002
020545223 - 3268412

**CERTIFICATE OF OWNERSHIP AND MERGER****OF**

Agere Systems Guardian Corp.
(a Delaware corporation)

INTO

Agere Systems Inc.
(a Delaware corporation)

**UNDER SECTION 253 OF THE GENERAL
CORPORATION LAW OF THE STATE OF DELAWARE**

Agere Systems Inc., a corporation organized and existing under the laws of Delaware ("Corporation"), **DOES HEREBY CERTIFY:**

FIRST: The Corporation is the owner of all of the outstanding shares of common stock of Agere Systems Guardian Corp., which is also a business corporation of the State of Delaware.

SECOND: On August 22, 2002 the Subsidiary Governance Committee of the Board of Directors of the Corporation adopted the following resolution to merge Agere Systems Guardian Corp. into the Corporation:

RESOLVED that Agere Systems Guardian Corp., a Delaware corporation, shall be merged with and into Agere Systems Inc., a Delaware corporation, with Agere Systems Inc. being the surviving corporation, and Agere Systems Inc. shall thereupon assume all of the obligations of Agere Systems Guardian Corp."

THIRD: That the merger authorized hereby shall become effective as of 9:00 a.m. Eastern Standard Time on August 31, 2002.

Executed on August 22, 2002

AGERE SYSTEMS INC.

By Paul Bento
Paul Bento, Vice President

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AGERE SYSTEMS GUARDIAN CORP.", A DELAWARE CORPORATION,
WITH AND INTO "AGERE SYSTEMS INC." UNDER THE NAME OF "AGERE SYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2002, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF AUGUST, A.D. 2002.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

3268412 8100M

020545223

AUTHENTICATION: 1959517

DATE: 08-29-02